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(Additional Counsel Listed on Signature Page)*

*Attorneys for Defendants
Social Finance, Inc. d/b/a SoFi and
SoFi Lending Corp. d/b/a SoFi*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RUBEN JUAREZ, CALIN CONSTANTIN
SEGARCEANU, EMILIANO GALICIA, and
JOSUE JIMENEZ, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

SOCIAL FINANCE, INC. d/b/a SOFI, and
SOFI LENDING CORP. d/b/a SOFI,

Defendant.

Case No. 4:20 Civ. 3386 (HSG)

**STIPULATION AND ORDER
CONCERNING PRODUCTION OF
ELECTRONICALLY STORED
INFORMATION**

1 WHEREAS, counsel for Plaintiffs Ruben Juarez, Calin Constantin Segarceanu, Emiliano Galicia
 2 and Josue Jimenez (“Plaintiffs”) and counsel for Defendants Social Finance, Inc. d/b/a SoFi and SoFi
 3 Lending Corp. d/b/a SoFi (collectively, “SoFi” or “Defendant”) (and collectively, the “Parties,” and
 4 each, a “Party”) have met and conferred regarding discovery of electronically stored information (“ESI”)
 5 of the Parties;

6 WHEREAS, the Parties have reached agreement on certain of the issues discussed regarding
 7 such discovery;

8 WHEREAS, the Parties have entered into this Stipulation and [Proposed] Order Concerning
 9 Production of Electronically Stored Information (“Order”) to facilitate the just, speedy, and inexpensive
 10 conduct of discovery involving ESI and to promote, to the fullest extent possible, the resolution of
 11 disputes regarding the discovery of ESI without Court intervention;

12 IT IS HEREBY ORDERED that:

13 1. All Parties are bound by and subject to the terms of this Order.

14 2. Definitions.

15 a. “Discovery Material” is defined as all products of discovery and all information
 16 derived there from, including, but not limited to, documents, objects and things, deposition testimony,
 17 interrogatory/request for admission responses, and any copies, excerpts or summaries thereof, produced
 18 by any Party in the above-captioned matter.

19 b. Plaintiffs and Defendant, as well as their officers, directors, and employees, are
 20 referred to as the “Parties” solely for the purposes of this Protocol.

21 c. “Plaintiffs” as used herein shall mean Ruben Juarez and Calin Constantin
 22 Segarceanu, as well as any other individually named plaintiff who may be added to this case or in any
 23 case that may be consolidated with this matter.

24 3. Cooperation. The Parties shall conduct discovery in a cooperative manner, including
 25 without limitation, by reasonably drafting discovery requests and responses in accordance with Fed R.
 26 Civ. P. 1 and 26(g)(1); and producing ESI in accordance with Fed R. Civ. P. 34; and by meeting and
 27 conferring in good faith on topics such as identification of custodians of relevant ESI, potentially
 28

relevant data sources, search methodologies, and such other issues as may arise during the course of discovery.

4. Search Methodology.

a. If the Parties plan to use search terms or other methods to cull ESI prior to review, the parties will meet and confer to attempt to reach agreement on those methods. The Parties will disclose:

i. the method of searching and, if applicable, the words, terms, and phrases to be searched; and

ii. the custodians and non-custodial sources from whom ESI will be collected and searched.

b. If appropriate and applicable, Parties may choose to validate search methodologies employed by measuring and data points, such as search term hits and elusion, to ensure adequacy and proportionality and share those results

c. Non-searchable files, such as non-searchable PDFs, corrupt, or encrypted files that have been identified as being potentially responsive based on their file names or other information about the documents must be identified and assessed independently from any search term or text-based search protocol.

5. Deduplication. The Parties shall make reasonable efforts to deduplicate ESI. ESI shall be deduplicated horizontally across custodians. ESI will be considered duplicative if it has the same content including metadata and where the family of documents are all exact duplicates.

6. Email Threading. In order to reduce the volume of entirely duplicative content within email threads, the Parties may utilize “email thread suppression.” As used in this agreement, email thread suppression means reducing duplicative production of email threads by producing the most recent email containing the thread of emails, as well as all attachments within the thread, and excluding emails constituting exact duplicates of emails within the produced string. For purposes of this paragraph, only email messages in which the parent document, senders and recipients, and all attachments are exactly the same will be considered duplicates. In the event that an email is identified as privileged, relevant

1 non-privileged portions of the email shall be produced. The producing party may elect to produce
 2 relevant non-privileged portions of the thread separately, or by redacting the privileged content.

3 7. Privilege Logs and Redaction. If utilizing email threading, an email thread for which a
 4 party claims a privilege may be logged in a single entry provided that such entry identifies all senders
 5 and recipients appearing at any point in the thread. The Parties agree that the following documents need
 6 not be included on a privilege log:

- 7 a. Communications between the parties and counsel (including internal
 8 communications within a law firm or a legal department of a corporation) on and
 9 after the filing of this lawsuit and before the lawsuit in anticipation of litigation
 10 regarding the litigation or litigation strategy if such documents exist before the
 11 lawsuit.
- 12 b. Work product created by or for trial counsel in this matter after commencement of
 13 this action.

14 8. Production Format For ESI.

15 a. General Provisions. Unless the Parties agree to a different format, documents
 16 should be produced with TIFF images and named according to the Bates number of the corresponding
 17 TIFF image. Each *.tiff file should be assigned a unique name matching the Bates number of the
 18 corresponding image. The Bates number should be consistent across the production, contain no special
 19 characters, and be numerically sequential within a given document. Attachments to documents should
 20 be assigned Bates numbers that directly follow in sequential order the Bates numbers on the documents
 21 to which they were attached. If a Bates number or set of Bates numbers is skipped, the skipped number
 22 or set of numbers should be noted, for example with a placeholder. All images should be provided in
 23 single-page, Group IV TIFF with a resolution of 300 DPI. Bates numbers and confidentiality
 24 designations should be electronically branded on each produced *.tiff image. Unless directed by Court
 25 order to the contrary, should the producing party intend to apply redactions other than those for
 26 privileged or personally identifiable information, the Parties shall meet and confer prior to production to
 27
 28

1 discuss and attempt to reach agreement.. These .TIFF images should be provided in a separate folder
2 and the number of TIFF files per folder should be limited to 1,000 files.

3 b. Document Text. All unredacted documents should be provided with complete
4 document-level extracted text files, where extracted text is available. Where extracted text is not
5 available, OCR text will be provided where reasonably feasible. In the event a document contains text
6 which is to be redacted, OCR text files should be provided for any un-redacted portions of the
7 documents. Document-level OCR text files should be provided for any unredacted portions of redacted
8 documents and for all hard copy scanned documents and other imaged documents that do not have
9 extracted text unless a party chooses not to OCR the documents for their own purposes. If a party is not
10 providing OCR for a set of documents, it will identify those documents by Bates number. The extracted
11 full text and/or OCR text for all deliverables should be in separate document-level TXT files. These
12 TXT files may either be provided in a separate folder or included in the same folder as their
13 corresponding images. The number of TXT files per folder should be limited to 1,000 files. A UNC file
14 path must be included in the ESI load file.

15 c. Parent-Child Relationships. For email collections, the parent-child relationships
16 (the association between emails and attachments) should be preserved. Unless directed by Court order
17 to the contrary, should the producing party intend to withhold portions of responsive document families
18 on grounds other than privilege, the Parties shall meet and confer prior to production to discuss and
19 attempt to reach agreement.

20 d. Dynamic Fields. Documents with dynamic fields for file names, dates, and times
21 will be processed, where reasonably feasible, to show the field code (e.g., “[FILENAME]” or
22 “[AUTODATE]”), rather than the values for such fields existing at the time the file is processed.

23 e. Non-redacted Word Processing Files. All word processing files, including
24 without limitation Microsoft Word files, that do not require redactions, will be produced as *.tiff images
25 showing track changes and comments. Upon a showing of reasonable and particular need, a producing
26 party shall produce a native version of requested files.

f. Non-redacted Spreadsheet Files. Spreadsheet files, including without limitation Microsoft Excel files, that do not require redactions will be produced as native files showing comments and similar data. A UNC file path must be included in the ESI load file. Additionally a bates-stamped *.tiff placeholder matching the bates number of the native file, must be included in the production and reflected in the image load file. A Party may natively redact Excel spreadsheets as long as it keeps a pristine copy of the original Excel spreadsheet and identifies the natively redacted excels in the production cover letter or by way of a field identifying which spreadsheets are natively redacted.

g. Presentation Files. Presentation files, including without limitation Microsoft PowerPoint files, will be produced as native files showing comments, hidden slides, speakers' notes, and similar data. A UNC file path must be included in the ESI load file. Additionally a bates-stamped *.tiff version of the presentation is to be included in the production unless a readable TIFF image cannot be created.

h. Database Records and Structured Data. To the extent that data is produced from a database, the parties can meet and confer regarding the appropriate format and fields, as needed. Otherwise, it will be produced in a reasonably useable format along with an explanation of the fields provided from the database where they are not self-explanatory.

i. Embedded Files. Embedded files will be produced as independent document records. Embedded files should be assigned Bates numbers that directly follow the Bates numbers on the documents within which they are embedded.

j. Time Zone. The producing party will identify the Time Zone used to process the data. A uniform time zone will be used in processing for all ESI processed by a Party.

k. Bates Numbering. Files will be named according to the Bates number of the corresponding *.tiff image. The Bates number will:

- i. be consistent across the production;
- ii. contain no special characters; and
- iii. be numerically sequential within a given document.

Attachments to documents will be assigned Bates numbers that directly follow the Bates numbers on the documents to which they were attached. If a Bates number or set of Bates numbers is skipped, the skipped number or set of numbers will be noted. In addition, wherever possible, each *.tiff image will have its assigned Bates number electronically “burned” onto the image.

l. Load File Formats. ESI will be produced in standard Concordance load file format and an image file that is in .OPT format.

m. Metadata to be Produced. Metadata to be produced: The following metadata fields should be produced for each document to the extent that such information is reasonably available at the time of collection and processing, except that if a field contains privileged information, that privileged information may be redacted and noted in a corresponding privilege log. All requests should be read to include a request for all metadata noted below, if reasonably available.

FIELD NAME	DESCRIPTION	CATEGORY
BEGDOC	Starting bates	Hardcopy, edoc, email and attachment
ENDDOC	Ending bates	Hardcopy, edoc, email and attachment
CUSTODIAN	Custodial or non-custodial source(s) from which the document was collected	Hardcopy (if coded), edoc, email and attachment (populated through processing)
ALL CUSTODIANS	Custodial source(s) from which document was collected but subsequently suppressed as a duplicate during processing.	Edoc, email and attachment (populated through processing)
FAMILYID OR ATTACHID	Family (Range of bates related documents (i.e email & attachment) - this field will be populated for all records in the family), and will identify the beginning and ending Bates numbers for attachments.	Hard copy, edoc, emails and attachments (populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
PRPERTIES OR RCRDTYPE	Record type – will be populated with the “Record Type” or similar metadata field	
FROM	Email Author	Emails (populated through processing)
TO	Recipient	Emails (populated through processing)
CC	CC field - In the event of emails	Emails (populated through processing)
BCC	Bcc field - in the event of emails	Emails (populated through processing)
SUBJECT	Subject metadata field for e-mails	Emails (populated through processing)
DOCTITLE	Document Title/name/subject of the original native file as it existed at the time of collection.	Hardcopy (if coded), edoc (including email) or attachment (populated through processing)
DOCDATE	Document Date/Date Sent, format MM/DD/YYYY, this is the SORT_DATE field, so populate across families	Email and Attachments
DATESENT	Email Sent Date, format MM/DD/YYYY	Emails (populated through processing)
TIMESENT	Time sent, format 00:00:00 AM/PM (May be combined with DateSent field)	Emails (populated through processing)
DATECREATED	Date first created, format MM/DD/YYYY	Edoc or attachment (populated through processing)
DATESVD	Date last saved/modified, format MM/DD/YYYY	Edoc or attachment (populated through processing)
TIMESVD	Time saved, format 00:00:00 AM/PM	(populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
PAGECOUNT	Document page count	Edoc or attachment (populated through processing)
APPLICAT	Application used to open the file (Word, Powerpoint, Adobe, Excel, Explorer, Quicken, etc.)	Electronic files and/or emails, attachments (populated through processing)
FOLDERID OR ORIGFOLDERPATH OR FILEPATH	File path/folder structure of original native file as it existed at the time of collection. i.e. path of email in mailbox (populate for email attachments also); filepath of edocs or scanned documents (if requested)	Electronic files and/or emails, attachments (populated through processing)
ALL FILEPATHS	Upon a showing of reasonable and particular need, a producing party shall produce file path/folder structure of original native file as it existed at the time of collection but subsequently removed as a duplicate for specified documents. i.e. path of email in mailbox (populate for email attachments also); filepath of edocs or scanned documents (if requested) when duplicate copies were suppressed during processing.	Electronic files and/or emails, attachments (populated through processing)
DOCLINK or NATIVEFILE	Active link reflecting current filepath back to the native file	Electronic files and/or emails, attachments (populated through processing <u>and only provided if receiving native files.</u>)
FILEEXTEN	In the event of attachments or emails, this will enable us to search by document type. Sample contents: <i>PST, MSG, PDF, DOC, PPT, HTM</i> , etc.	Electronic files and/or emails, attachments (populated through processing)

FIELD NAME	DESCRIPTION	CATEGORY
FILESIZE	Numerical file size, in bytes, of any natively-produced documents.	Electronic files and/or edocs (populated through processing).
AUTHOR	In the event of attachments, this field contains the 'author' of the document	For Hard Copy documents (if coded) or electronic files and/or attachments (populated through processing)
HASH	MD5 Hash value for de-dupe	Electronic files and/or attachments (populated through processing)

9. Production Format for Hard Copy Documents. Hard copy documents will be scanned and processed as .tiff images with OCR. To the extent this production format is not feasible or causes the producing Party undue burden, the Parties agree to meet and confer to discuss the different form of production.

10. Encryption. To maximize the security of information in transit, any media on which documents are produced may be encrypted by the producing Party. In such cases, the producing Party shall transmit the encryption key or password to the requesting Party, under separate cover, contemporaneously with sending the encrypted media.

OUTTEN & GOLDEN LLP

MCGUIRE WOODS LLP

Dated: October 21, 2021

Dated: October 21, 2021

By: /s/ Ossai Miazad

By: /s/ Issac deVyver

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23 *Constantin Segarceanu, Emiliano Galicia,*
24 *Josue Jimenez and the Proposed Class*

25 SO ORDERED:

26 

27 Hon. Haywood S. Gilliam, Jr.
28 United States District Judge

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Date: 10/25/2021